

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 19, 34, and 43. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-53 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 1-18 and 35-43 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In response, the Applicant has amended independent claims 1, 34, and 43 to overcome the rejection. Therefore, the allowance of claims 1-18 and 35-43 are respectfully requested.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-53 stand rejected under 35 U.S.C. 102(e) as being unpatentable over Walker, U.S. Patent Application No. 2002/0193162, hereinafter referred to as Walker, in view of Schneier, U.S. Patent No. 5,970,143, hereinafter referred to as Schneier, in view of Bountour, U.S. Patent Application No. 2002/0069265, hereinafter referred to as Bountour. The Applicant has further amended independent claims 1, 19, 34, and 43 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

The Applicant has amended claims 1, 19, 34 and 43 which now recite that the user pays the determined fee for a single game within the tournament. The Applicant's invention relates to a system and method for conducting a tournament by a game provider for users using a game system. Games are provided by a game server through a network by a network provider. The game server provides a tournament scheme of play having a plurality of rounds. To progress to a next round, a player must exceed a threshold score. During each round, the player may play several times in an attempt to exceed the threshold score. Revenue is generated from each game played in the tournament. The revenue is then shared by revenue gathered by the network provider and shared with the game provider.

In contrast to the Applicant's invention, Walker is related to operating a video game or video game tournament. A bonus is provided to a player playing the video game or participating in a video game tournament. A bonus is provided to the player if a rating associated with the player is worse than a threshold rating. For tournament play, a player pays a single entry fee to compete in the tournament (see paragraphs 20, 30, 33, and FIG. 2 of Walker). Walker does not teach or suggest a scheme of tournament play where revenue is obtained from a player playing multiple games where each game in the tournament play is charged a fee during tournament play.

Walker discloses two different types of game play, a tournament game play and individual games (see Abstract and paragraphs 18 and 96 of Walker). The Examiner stated that Walker does not disclose determining a fee for playing each game in a tournament where the fee is associated with playing a single game within the tournament. The Applicant agrees. However, the Examiner stated that Schneier discloses this limitation. The Applicant respectfully disagrees with this characterization. Schneier does not teach or suggest determining a fee for a single game in a tournament. Rather, as discussed in col. 33, lines 12-29 of Schneier, a pay-per-game scheme is not associated with tournament play. Rather, the single game fee is associated with a game not in the tournament environment, such as an "arcade machine." Schneier does discuss tournament play, but in a different context. As discussed on "Field of the Invention" in col. 1, lines 40-49 of Schneier, the "pay-per-use" is a separate aspect which is not used in tournament play. Thus, Schneier discusses two separate aspects, one for tournament play and another for arcade play. It is important to understand that the present invention utilizes the single game per play in a tournament context, which is unique and is not disclosed in any existing revenue generation scheme. The present invention enables a player to pay for a single game in a tournament, which is enticing for the player to pay a single fee at a time for a game while generating far more revenue to the network provider and the game provider. Walker and Schneier do not teach nor suggest such a pay scheme of play within a tournament framework. Therefore, both Schneier and Walker fail to teach or suggest a method or system which enables a player to pay for a single game in a tournament.

The Examiner further stated that Bountour discloses transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. The Applicant respectfully disagrees. Bountour merely discloses revenue sharing when a consumer buys a product (not a game) where the revenue is shared between the game provider and the advertisement provider (not a network provider). The Examiner is equating a game with a product. However, the Applicant's invention provides revenue sharing associated with a game and not a product. Furthermore, the Applicant respectfully disagrees that the advertisement provider is not a network provider. Therefore, Bountour also fails to teach and suggest transferring a portion of the revenue for playing each game from the network provider to the game provider.

The Examiner stated in the "Response to Arguments" that the features upon which the applicant relies (i.e., "the fee associated with playing a single game") are not recited in the rejected claim. The Applicant respectfully disagrees. Claim 1 recites that "the fee is associated with playing a single game within the tournament." However, the Applicant has further amended the claim to recite "paying the determined fee by the user to the game server for a single game within the tournament."

In regards to claim 5, the Examiner cites paragraph 44 of Walker as disclosing the step of allowing the user to immediately progress to the next round upon exceeding the established threshold score. The Applicant respectfully disagrees. Walker does not provide any disclosure where the player advances immediately upon reaching a specified threshold. Rather, Walker merely discloses advancing from one game to the next game as a prize. Nowhere in this passage does Walker disclose that when a specified threshold is reached, that the player immediately advances to the next game.

Walker, Schneier and Bountour fail to teach or suggest the steps of determining a fee to the user for playing each game in the tournament where the fee is associated with a single game of a tournament or transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. Independent claims 19, 34, and 43 contain limitations analogous to claim 1. Therefore, those claims are also not taught or suggested by the cited references.

Claims 2-18 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 20-33 depend from claim 19 and recite further limitations in combination with the novel elements of claim 19. Claims 35-42 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 44-53 depend from claim 43 and recite further limitations in combination with the novel elements of claim 43. Therefore, the allowance of claims 1-53 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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